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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,188	05/13/1999	DEBORAH L. PINARD	3988	9904

7590 06/02/2005

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EXAMINER
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SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/311,188		PINARD, DEBORAH L.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Simon Sing		2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-7 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 14--27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

1. Claims 1, 4-7, 14-19, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. US 6,115,693 in view of Visual Decision's Discovery for Developers (IDS provided by Applicant).

1.1 Regarding claims 1, 15 and 16, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 350, 354, 358 and 356 (figure 3);

a plurality of applications (residing in servers 350-356) connected to said network for handling a different type of incoming communications and storing information concerning the incoming communications received (column 10, lines 10-15, 22-23; column 11, lines 5-8);

a computer (or computers) located in quality center 390 (column 11, lines 35-67) connected to said network and received said incoming communications information

from selected applications (column 11, lines 55-60). McDonough also teaches in figure 1 a 3-d representation of the virtual sales and Service Center access Logistics such that a x-axis (first axis) denotes access methods (types of incoming communications), a y-axis (second axis) denotes the number of initiators (Note: the y-axis shows at least two initiators, i.e. one incoming communication is from a customer 210 and a second incoming communication is from company 208; column 6, lines 40-42) and a z-axis (third axis) denotes communication resources (categories of incoming communications) which were used to handle the incoming communications (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches showing types of incoming communications, numbers of incoming communications and categories of incoming communications on x-y-z axes in figure 1, and McDonough further teaches monitoring the volume and statistics of incoming communications (column 11, lines 5-8; column 12, lines 5-8), but fails to explicitly teach generating such a 3-D representation (i.e. figure 1) in a computer terminal, in other words. McDonough does not teach using a computer program for plotting the incoming communications according to the three dimensional representation discussed in figure 1.

However, Visual Decision's Discovery for Developers (VDDD) discloses that visualizing information using 3-Dimensional graphics is old and well known (page 1, paragraph 2). VDDD teaches a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data (page 3, paragraphs 4-5) and dynamically displaying the acquired data in a 3-D view such as lines, cubes, charts,

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surfaces, positions and sizes, etc., and the 3-D view can be laid out or arranged in any fashion in a 3-D scene (page 3, paragraphs 6-8). VDDD also teaches a 3-D view for 30 Dow Jones stocks and a network monitor in telecommunications as examples.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Visual Decision's Discovery Developer, so that a three-dimensional representation according to McDonough's 3-D representation such that any user would have easily visualized the incoming communications.

1.2 Regarding claims 4 and 17, the modified McDonough reference fails to specifically teach that the sizes of the objects representing the number of incoming communications of each type, however, examiner takes office notice that an object's size based on the number of an incoming communication is old and well known in the art, and as discloses in claim 1, positions and sizes of a 3-D view can be arranged in any fashion. Therefore, it would have been obvious to create a three-dimensional representation with an object size represent the number of incoming communications.

1.3 Regarding claim 5, as discussed in claim 1, positions and sizes of a 3-D view can be laid out or arranged in any fashion.

1.4 Regarding claim 6, as discussed in claim 1, the modified McDonough's reference teaches a three dimensional view and the y-axis represents the number of incoming communications.

1.5 Regarding claims 7 and 18, the modified McDonough reference fails to specifically teach that the some objects are subdivided to categorize incoming communications into read and unread, however, examiner takes office notice that in e-mail and voicemail, dividing messages in to read and unread (old and new) is well known in the art. Therefore, it would have been obvious to categorize e-mail and voice mail messages into read and unread.

1.6 Regarding claim 14, as discussed in claim 1, views can be laid out or arranged in any fashion in a 3-D scene, so it is inherent that the three dimensional representation is configured (arranged) by a user.

1.7 Regarding claim 19, McDonough teaches incoming communications including e-mail (e-mail server 358) and fax mail (fax server 350) as shown in figure 3.

1.8 Regarding claim 27 and 29, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 350, 354, 358 and 356 (figure 3);

a plurality of applications (residing in servers 350-356) connected to said network for handling a different type of incoming communications and storing information concerning the incoming communications received (column 10, lines 10-15, 22-23; column 11, lines 5-8);

a computer (or computers) located in quality center 390 (column 11, lines 35-67) connected to said network and received said incoming communications information from selected applications (column 11, lines 55-60). McDonough also teaches in figure 1 a 3-d representation of the virtual sales and Service Center access Logistics such that a x-axis (first axis) denotes access methods (types of incoming communications), a y-axis (second axis) denotes the number of initiators (Note: the y-axis shows at least two initiators, i.e. one incoming communication is from a customer 210 and a second incoming communication is from company 208; column 6, lines 40-42) and a z-axis (third axis) denotes communication resources (categories of incoming communications) which were used to handle the incoming communications (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches showing types of incoming communications, numbers of incoming communications and categories of incoming communications on x-y-z axes in figure 1, and McDonough further teaches monitoring the volume and statistics of incoming communications (column 11, lines 5-8; column 12, lines 5-8), but fails to

explicitly teach generating such a 3-D representation (i.e. figure 1) in a computer terminal, in other words. McDonough does not teach using a computer program for plotting the incoming communications according to the three dimensional representation discussed in figure 1 with some objects categorized incoming communications into read and unread.

However, Visual Decision's Discovery for Developers (VDDD) discloses that visualizing information using 3-Dimensional graphics is old and well known (page 1, paragraph 2). VDDD teaches a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data (page 3, paragraphs 4-5) and dynamically displaying the acquired data in a 3-D view such as lines, cubes, charts, surfaces, positions and sizes, etc., and the 3-D view can be laid out or arranged in any fashion in a 3-D scene (page 3, paragraphs 6-8). VDDD also teaches a 3-D view for 30 Dow Jones stocks and a network monitor in telecommunications as examples.

Therefore, since categorizing Internet and e-mail messages into read and unread (old and new) were well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Visual Decision's Discovery Developer, so that a three-dimensional representation according to McDonough's 3-D representation with read and unread objects such that a user would have easily visualized the incoming communications.

1.9 Regarding claim 30, McDonough teaches incoming communications including e-mail (e-mail server 358) and fax mail (fax server 350) as shown in figure 3.



2. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows 95.

2.1 Regarding claim 20, Applicant claims a computer program able to display a user defined landscape which is a graph with three-dimensional view representing incoming communications. In Windows 95 (see Mastering Windows 95, authored by Robert Cowart, and published by Sybex in 1995), a PAINT APPLICATION (start-programs-accessories-paint) opens a new window on a computer screen, enables a user to draw/paint (user defined landscape), and to save any drawing the user may have created in a storage medium (see figures 21.2, 21.5 and page 848 of Cowart). The PAINT APPLICATION teaches that with a Pencil (drawing tool), a user is able to draw strait lines in horizontal (x-axis), vertical (y-axis), diagonal (z-axis) and inherently, parallelograms (objects of claimed invention) (page 820, second paragraph, of Cowart), and 3-D objects can be displayed in the paint window (see figure 21.2 of Cowart).

Windows 95 (PAINT APPLICATION) fails to specifically teach displaying a drawing (graph), which is a three dimensional view with objects representing different types of incoming communications, said graph includes a first axis denoting different types of incoming communications, a second axis denoting numbers of incoming communications and a third axis denoting categories of incoming communications of within each type.

However, since the current invention only claims a computer program able to display a graph fails to recite how the graph was generate, therefore, it was obvious that the PAINT APPLICATION was able to display the claimed graph (drawn and displayed with the PAINT APPLICATION, or dawn on a piece of paper and scanned into a computer memory and then displayed using the PAINT APPLICATION), because what was defined in a graph would have been a user's choice and not have affected the displaying ability of the PAINT APPLIATION.

2.2 Regarding claim 21-26, as discussed in claim 20, how to arrange a three-dimensional graphical representation would have been a user's choice.

### ***Allowable Subject Matter***

3. Claims 28 and 10-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

3.1 Independent claim 28, McDonough teaches handling incoming communications in a call center. McDonough fails to teach internal calls and voice messages, and since a call center only monitors external calls (outgoing or incoming), there is no motivation modified the McDonough's reference to monitor internal telephone calls and voice messages.

3.2 Claims 10-13 are dependents of claim 28 and therefore would have been allowed.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 4-7, 14-19, 27, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments regarding claims 20-26 filed on 11/08/2004 have been fully considered but they are not persuasive.

Applicant claims a ***computer program*** which is able to ***display*** a user defined graph, which just happened to be a 3-D view with objects representing incoming communications. As discussed in this office action, the paint application of MicroSoft Windows has the ability to display 3-D objects, and a user is able to draw a user defined graph with horizontal, vertical, and diagonal lines to form 3-D objects. The paint application definitely has the ability for displaying a graph with features recited in claim 20, or shown in figure 1 of the current invention, because what is shown in the graph, whether with the features recited or with other user defined features, does not affect the displaying ability of the paint application.

**Conclusion**

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.



S. Sing

05/25/2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600